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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 CALIFORNIA EXPANDED
11 METAL PRODUCTS COMPANY,
12 et al.,

13 Plaintiffs,

14 v.

15 JAMES A. KLEIN, et al.,

Defendants.

CASE NO. C18-0659JLR

ORDER REGARDING
PLAINTIFFS' NOTICE OF
WITHDRAWAL AND
DEFENDANTS' RESPONSE TO
PLAINTIFFS' MOTIONS IN
LIMINE

16 On November 8, 2019, Plaintiffs California Expanded Metal Products Company
17 and Clarkwestern Dietrich Building Systems LLC (collectively, "Plaintiffs") filed three
18 motions *in limine* seeking to exclude the following evidence: (1) the expert report of Dr.
19 Stephen Pessiki and related testimony; (2) evidence and testimony from Defendant James
20 A. Klein related to the stricken June 28, 2019 declaration; and (3) the expert report of
21 Daniel Lindsay and related testimony. (*See* Plfs. MIL (Dkt. # 120).) On November 14,

22 //

1 2019, Plaintiffs filed a notice of withdrawal of its motions *in limine*. (See Not. (Dkt.
2 # 126).) That notice states:

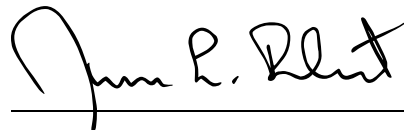
3 In light of the Court's instruction at the pretrial conference held on November
4 13, 2019 that issues decided in the Court's Order on Cross-Motions for
5 Summary Judgment (Dkt. # 117) will not be relitigated at trial, Plaintiffs . . .
6 hereby withdraw their Motions in Limine (Dkt. # 120).

7 (*Id.* at 1.)

8 After Plaintiffs filed this notice of withdrawal, Defendants James A. Klein, Safti-
9 Seal, Inc., and BlazeFrame Industries, Ltd. (collectively, "Defendants") filed a response
10 to Plaintiffs' motions *in limine* on November 18, 2019. (Resp. (Dkt. # 131).) Defendants
11 assert that Plaintiffs only withdrew their first and third motions *in limine* pertaining to
12 expert testimony, and that Plaintiffs' second motion *in limine* relating to the testimony of
13 Mr. Klein "remains pending." (See *id.* at 2.)

14 Plaintiffs' notice of withdrawal is unequivocal. It states that "Plaintiffs . . . hereby
15 withdraw their Motions in Limine (Dkt. # 120)." (See Not. at 1.) Nothing in the notice
16 of withdrawal supports Defendants' reading that Plaintiffs withdrew only their first and
17 third motions *in limine*. (See *id.*) The court will not adjudicate withdrawn motions.

18 Dated this 21st day of November, 2019.

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20 JAMES L. ROBART
21 United States District Judge
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